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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/936,708	09/24/1997	JEFFREY M. CLAAR	080398.P109	1031

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EXAMINER

GRIER, LAURA A

ART UNIT	PAPER NUMBER
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2644

23

DATE MAILED: 08/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

08/936,708

Applicant(s)

CLAAR ET AL.

Examiner

Laura A Grier

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on paper no. 22.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23-30 and 32-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23-30, 32-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 23-26, 28-29, 32-39, 40, and 47-49 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S. Patent No. 6160123.

Regarding **claim 23, 32, 40, and 47**, Arnold discloses an electronic music instrument system with musical keyboard providing graphic user interface functions. Arnold's disclosure comprises various control screens, and first, second and third display portions in relation to recording on multiple tracks via a plurality of musical instruments and/or other audio producing devices, and as well providing a play function of various devices. Arnold discloses the concurrently display of the 1st, 2nd and 3rd display portions (in view of the broadest interpretation of the claim language) via the exemplary example of figure 17 (recording screen), col. 22, lines 28-67, and 1-55, which details a display of a plurality of tracks for a single instrument (428/430) which may indicates a 1st display portion, a clear all (454) for global control which indicates a 2nd display portion, and a display of various control buttons used in the recording screen mode which indicates the a plurality of recorder control boxes to a control a plurality of recorder tracks, therein, and indicates a 3rd display portion. The combination the displays of controls on a

single screen of the GUI of Arnold indicates 1st, 2nd and 3rd display portions producing a GUI. Arnold discloses the control boxes via the display of volume control toggles (434), time control means, the access buttons.

Regarding **claim 24**, Arnold discloses everything claimed as applied above (see claim 23). Arnold discloses a global control function - *clear all* - (figure 17) which indicates performing a predetermined function on two or more plurality of tracks concurrently.

Regarding **claims 25-26**, Arnold discloses everything claimed as applied above (see claim 24). Arnold further teaches the claimed limitation of a recording button for transmitting a recording command to an audio processing module (col. 22, lines 28-34); global/central control commands (col. 23, lines 24-32, lines 50-52).

Regarding **claims 28-29**, Arnold discloses everything claimed as applied above (see claim 24). Arnold further discloses the capability of global command to multiple devices with multiple tracks which are indicative of play and stop and mute (figure 11).

Regarding **claims 33-39**, the claimed limitations are rejected for the same reasons set forth in the rejection of claims 24-29.

Regarding **claims 48-49**, the claimed limitations are rejected for the same reasons set forth in claim 47.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2644

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27 and 30 and 41-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arnold.

Regarding **claims 41-46**, Arnold discloses a user input subsystem that includes user interface devices such as a input controllers and mouse, etc (col. 5, lines 50-56 and col. 8, lines 52-57), wherein it is obvious that a keyboard may be used as well, which are indicative of a selection device for selecting one of the control boxes, such as keyboard, a mouse, and means of transmitting a control command.

Regarding **claims 27 and 30**, Arnold discloses everything claimed as applied above. Arnold fails to disclose for the 1st display screen a scroll bar or a audio processing module control box for allowing the control boxes of an audio processing module to collapse. However, Arnold discloses the use of pull-down or pop-up screens (col. 16, lines 49-53). Thus, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention by implementing control means such as a scroll bar and collapsing control boxes for the purpose of providing alternate control functions.

Response to Arguments

Applicant's arguments with respect to claims 23-30 and 32-49 have been considered but are moot in view of the new ground(s) of rejection.

The prior art of Arnold is used as the primary and sole reference of prior art in the rejection of the claimed invention of claims 23-30, and 32-49 in respect the broadest interpretation of the claim language.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura A Grier whose telephone number is (703) 306-4819. The examiner can normally be reached on Monday - Friday, 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W. Isen can be reached on (703) 305-4386.

Any response to this action should be mailed to:

Application/Control Number: 08/936,708
Art Unit: 2644

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding
should be directed to the receptionist whose telephone number is (703) 305-4700.

LAG

August 9, 2004


XU MEI
PRIMARY EXAMINER